

Message Text

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EO 11652: ADS DECLAS ON RECEIPT

TAGS: SHUM MASS TO

SUBJ: SECURITY ASSISTANCE: HUMAN RIGHTS OBSERVANCE-TOGO

REF: STATE 178007

FOLLOWING IS UNCLASSIFIED HUMAN RIGHTS REPORT SUBMITTED IN CONNECTION WITH THE FY 1977 IMET PROGRAM AS REQUESTED REFTEL.

1. POLITICAL SITUATION: TOGO GAINED INDEPENDENCE FROM FRANCE IN 1961 UNDER THE LEADERSHIP OF ITS FIRST PRESIDENT, SYLVANUS OLYMPIO. HE INSTITUTED ONE-PARTY RULE AND POLICE-STATE CONTROLS. HE WAS DEPOSED BY A MILITARY COUP IN 1963. THE MILITARY REMAINED IN THE BACKGROUND DURING THE 1963-67 RULE OF PRESIDENT NICHOLAS GRUNITSKY, BUT COLONEL GNASSINGBE EYADEMA, WHO HAD BECOME HEAD OF THE ARMY IN 1965, DEPOSED GRUNITSKY IN JANUARY 1967 AND INSTITUTED A MILITARY-BASED REGIME. PRESIDENT EYADEMA CELEBRATED THE TENTH ANNIVERSARY OF HIS RULE ON JANUARY 13, 1977.

2. PRESIDENT EYADEMA FOUNDED THE RASSEMBLEMENT DU PEUPLE TOGOLAIS (RALLY OF THE TOGOLESE PEOPLE, RPT) IN 1969, AND IT IS THE SOLE TOGOLESE POLITICAL PARTY. IT IS AN ALL-ENCOMPASSING MASS PARTY, WITH YOUTH, LABOR, AND WOMEN'S GROUPS.

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EM PRESIDENT EYADEMA RETAINS THE MILITARY RANK OF GENERAL OF THE ARMY, AS WELL AS THE TITLE OF PRESIDENT-FOUNDER OF THE PARTY. HE IS THE ONLY MILITARY MEMBER OF THE CABINET AND PARTY'S NINE-MAN NATIONAL POLITICAL BUREAU.

4. IN THE TEN YEARS OF PRESIDENT EYADEMA'S RULE GREAT

STRESS HAS BEEN PLACED ON ORDER, NATIONAL UNITY, AND THE ACHIEVEMENT OF POLITICAL STABILITY. THE PROUDEST BOAST OF THE EYADEMA REGIME IS THAT IT ENDED A PERIOD OF POLITICAL TURMOIL AND VIOLENCE. POLITICAL POWER HAS BEEN EXERCISED TO DIMINISH TRIBAL AND REGIONAL ANTAGONISMS AND TO ACHIEVE AN ORDERLY CLIMATE FOR ECONOMIC DEVELOPMENT. SIGNIFICANT IMPROVEMENTS IN INFRASTRUCTURE AND THE DEVELOPMENT OF THE MODERN SECTOR HAVE OCCURRED. TO ACHIEVE THESE ENDS THE GOT HAS PURSUED ESSENTIALLY AUTHORITARIAN POLICIES AND HAS TOLERATED NO POLITICAL CHALLENGES.

5. NO ELECTIONS HAVE TAKEN PLACE IN THE 1967-77 PERIOD, ALTHOUGH AN UNOPPOSED 1972 PLEBISCITE OVERWHELMINGLY SUPPORTED PRESIDENT EYADEMA'S RULE. THE GOVERNMENT APPEARS TO ENJOY, HOWEVER, A WIDE MEASURE OF SUPPORT AND HAS SUCCESSFULLY ACHIEVED APPARENT LEGITIMACY, ALTHOUGH ITS ACTUAL POPULARITY HAS NOT BEEN MEASURED BY THE ELECTORAL PROCESS.

6. LEGAL SITUATION: THE SOURCES OF TOGOLESE JURISPRUDENCE ARE FOUND IN THOSE FRENCH LAWS WHICH WERE APPLIED TO TOGO BEFORE INDEPENDENCE; THE NOW-DEFUNCT CONSTITUTIONS OF 1961 AND 1963; STATUTES ENACTED BY THE DEFUNCT NATIONAL ASSEMBLY AND EXECUTIVE DECREES. EXECUTIVE DECREES ARE THE MOST BINDING EXPRESSION OF LAW.

7. LAW 61-17 OF JUNE 12, 1961 CODIFIED THE STRUCTURE LIMITED OFFICIAL USE

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OF THE TOGOLESE JUDICIAL SYSTEM AND PROVIDED FOR COURTS OF VARIOUS CIVIL, CRIMINAL, MODERN AND TRADITIONAL JURISDICTIONS. A SUPREME COURT WAS ESTABLISHED IN 1964. THE EXECUTIVE BRANCH DOMINATES THE JUDICIAL BRANCH. JUDGES ARE APPOINTED FOR LIFE, BUT SERVE AT THE PLEASURE OF THE PRESIDENT. NO JUDGES ARE KNOWN TO HAVE BEEN PERMANENTLY REMOVED FROM THE BENCH FOR DECISIONS CONTRARY TO PRESIDENTIAL POLICY.

8. THE GOT RECOGNIZES NO LEGAL LIMITS ON ITS AUTHORITY BUT ARBITRARY EXERCISE OF POWER IS INFREQUENT AS ARE CASES OF FLAGRANT ABUSE OF POWER. THE ADMINISTRATION OF JUSTICE IN CIVIL AND CRIMINAL CASES IS NORMALLY FREE OF EXECUTIVE BRANCH INTERFERENCE. IN CASES WHERE THE EXECUTIVE BRANCH HAS A POLITICAL INTEREST, THE COURTS EXECUTE THE GOVERNMENT'S WISHES.

9. THE STANDARD CONSTITUTIONAL GUARANTEES, AS CONTAINED IN THE 1961 AND 1963 CONSTITUTIONS, WERE SUSPENDED BY THE JANUARY 13, 1967 PROCLAMATION UNDER WHICH THE ARMY TOOK RESPONSIBILITY FOR ALL CIVIL, POLITICAL AND MILITARY POWERS. IN EARLY 1977 IN AN APPARENT RESPONSE TO HEIGHTENED INTERNATIONAL CONCERN OVER HUMAN RIGHTS ISSUES, TOGO REVIEWED ITS PRISON POPULATION TO DETERMINE IF ANY WERE BEING HELD

FOR POLITICAL VIOLATIONS. AS A RESULT OF THIS SCREENING ABOUT 25 PRISONERS WERE RELEASED. SHORTLY AFTER THEIR RELEASE, HOWEVER, THE GOVERNMENT FOUND EVIDENCE OF AN ORGANIZED CLANDESTINE GROUP THAT WAS ENGAGED IN THE DISTRIBUTION OF ANTI-GOVERNMENT POLITICAL TRACTS AND WHOSE PROCLAIMED INTENTION WAS TO SUBSTITUTE A MARXIST REGIME FOR THE PRESENT GOVERNMENT. DURING THE INVESTIGATION OF THIS GROUP, PERHAPS MORE THAN 100 PERSONS WERE DETAINED FOR QUESTIONING. AS A RESULT OF THE INVESTIGATION, THE GOVERNMENT IS NOW IMPRISONING WHAT IS BELIEVED TO BE A TOTAL OF EIGHT PERSONS. TOGOLESE AUTHORITIES CONSIDER THESE PERSONS GUILTY OF CRIMINAL OFFENSES AND WILL PROBABLY BRING THEM TO TRIAL AT SOME FUTURE DATE.

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10. ACTUAL OBSERVANCE OF HUMAN RIGHTS (AS BASED ON US DECLARATION OF HUMAN RIGHTS:
A. INTEGRITY OF THE PERSON.
ARTICLE 3-THE RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON IS NORMALLY RESPECTED IN TOGO. NEVERTHELESS, ARBITRARY ARRESTS HAVE OCCURRED. IN GENERAL, HOWEVER, A FAIR ASSESSMENT IS THAT NOTWITHSTANDING THE FACT THAT TOGO HAS AN AUTHORITARIAN REGIME, THE RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON IS MORE RESPECTED NOW THEN IN THE DAYS (1961-67) OF THE CONSTITUTIONAL CIVILIAN GOVERNMENT. THE TOGOLESE ATMOSPHERE IS CAUTIOUS RATHER THAN FEARFUL.
ARTICLE 4-NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE ARE PRACTICED IN TOGO.
ARTICLE 5-TORTURE FOLLOWING ARBITRARY ARREST HAS OCCASIONALLY OCCURRED. IN AT LEAST ONE CASE IN 1975 DEATH OCCURRED AS A RESULT OF TORTURE. THE GOVERNMENT, HOWEVER, MAINTAINS THAT SUCH ACTS WERE PERPETRATED BY SUBORDINATES WITHOUT ADVANCE OFFICIAL KNOWLEDGE OR SANCTION. PRESIDENT

EYADEMA IS REPORTED TO HAVE SPECIFICALLY REPUDIATED TORTURE AND SIMILAR VIOLENCE DURING A PARTY MEETING AT SOKODE IN NOVEMBER 1976.

ARTICLE 8-EFFECTIVE REMEDIES BY COMPETENT NATIONAL TRIBUNALS FOR CASES INVOLVING VIOLATION OF CIVIL OR CRIMINAL CODES TYPICALLY ARE AVAILABLE.

ARTICLE 9- ARBITRARY ARREST AND DETENTION OCCASIONALLY LIMITED OFFICIAL USE

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OCCUR. DETENTION APPEARS TO BE BRIEF AND EXEMPLARY. HOWEVER, PERIODS OF DETENTION ARE INDEFINITE AND ARBITRARY.

ARTICLE 10-HEARINGS TO DETERMINE RIGHTS ARE AVAILABLE IN CIVIL AND CRIMINAL CASES.

ARTICLE 11-LEGAL GUARANTEES, WITHIN THE CONTEXT OF THE NAPOLEONIC CODE, OF A PUBLIC TRIAL AND PROVISIONS FOR DEFENCE COUNCIL ARE AVAILABLE IN CIVIL AND CRIMINAL TRIALS. SUCH GUARANTEES ARE NOT AVAILABLE WITH RESPECT TO POLITICAL CASES.

B. OTHER IMPORTANT RIGHTS.

ARTICLE 2-PRESIDENT EYADEMA, A MEMBER OF A MINORITY NORTHERN ETHNIC GROUP, HAS STRENUOUSLY ENDEAVORED TO REDUCE TRADITIONAL DISPARITIES AND FAVORITISM ENJOYED BY SOUTHERN ETHNIC GROUPS. A KEY CONCEPT OF THE RASSEMBLEMENT DU PEUPLE TOGOLAIS IS THE ELIMINATION OF DISCRIMINATION BASED ON REGIONALISM AND TRIBALISM SO THAT ALL TOGOLESE EVERYWHERE IN THE NATION CAN ENJOY THE BENEFITS OF THE NATIONAL SOCIETY. GOVERNMENT ADMINISTRATORS ARE CHOSEN FROM NEARLY ALL THE 40 OR SO TOGOLESE ETHNIC GROUPS. GREAT EMPHASIS IS BEING PUT ON THE DEVELOPMENT OF TRADITIONALLY POVERTY-RIDDEN AND LESS-ADVANCED REGIONS.

TOGOLESE WOMEN HAVE STRONG ECONOMIC AND SOCIAL ROLES. THE RECENT ELEVATION OF FOUR WOMEN TO THE 22 MEMBER CENTRAL COMMITTEE OF THE PARTY IS TESTIMONY TO THE GROWING POLITICAL ROLE WOMEN ARE PLAYING.

ARTICLE 13-FREEDOM OF MOVEMENT IS GENERALLY NOT INTERFERED WITH EITHER FOR TRAVEL INSIDE THE COUNTRY OR ABROAD.

ARTICLE 17- AT THE SECOND STATUTORY CONGRESS OF THE RPT IN NOVEMBER 1976, THE ECONOMIC POLICY OF TOGO WAS PROCLAIMED TO BE ONE OF "ECONOMIC LIBERALISM" WHICH REFLECTED THE "SPECIAL TOGOLESE ATTITUDE FOR COMMERCE." TOGO HAS AN OPEN LIMITED OFFICIAL USE

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MARKET, A CAPITALIST ECONOMY AND A VIGOROUS PRIVATE SECTOR. THE RIGHT TO PROPERTY IS RESPECTED.

ARTICLE18- TOGOLESE CITIZENS CAN BE SUBJECTED TO
PUNISHMENT FOR SLANDERING THE PRESIDENT OR THE REGIME,
FREEDOM IS WORSHIP IS REPECTED.

ARTICLE19-FREEDOM OF OPINION AND EXPRESSION IS
INHIBITED BY THE AUTHORITARIAN NATURE OF THE REGIME. HOWEVER,
MECHANISMS EXIST WITHIN THE PARTY FOR SUCH EXPRESSION.
THERE IS CONSIDERABLE EVIDENCE OF LIVELY AND AT TIMES CRITICAL
DISCUSSIONS OF THE POLITICAL AND ECONOMIC PERFORMANCE OF THE
GOVERNMENT AT HIGH LEVEL PARTY MEETINGS. PUBLIC CRITISM
OF THE LEADERSHIP AND THE GOVERNMENT OUTSIDE THE HIGHER
REACHES OF THE PARTY IS NOT TOLERATED.
THERE IS TOTAL GOVERNMENT CONTROL OF THE MEDIA.
ARTICLE 20-FREEDOM OF ASSEMBLY IS RESPECTED EXCEPT
FOR UNAUTHORIZED POLITICAL PURPOSES.

D. OTHER REPORTING: THE EMBASSY IS NOT AWARE OF ANY
NON-US GOVERNMENT HUMAN RIGHTS REPORTING ON TOGO. THE
GOVERNMENT OF TOGO HAS INVITED AMNESTY INTERNATIONAL TO
INVESTIGATE ITS HUMAN RIGHTS SITUATION. PALMER

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